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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,567	04/26/2000	Douglas E. Meisner	07844-374001	9484
21876	7590	11/23/2004	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA MINNEAPOLIS, MN. 55402			SMITH, PETER J	
			ART UNIT	PAPER NUMBER
			2176	
DATE MAILED: 11/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/558,567	<b>Applicant(s)</b> MEISNER ET AL.	
	<b>Examiner</b> Peter J Smith	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: amendment filed 8/24/2004.
2. Claims 36-45 are pending in the case. Claims 36 and 41 are independent claims.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 36-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al. (hereinafter "Cook"), US 6,178,432 B1 filed 9/30/1996 in view of Kellas et al. (hereinafter "Kellas"), US 5,142,616 patented 8/25/1992.**

**Regarding independent claims 36 and 41,** Cook teaches receiving an input of base visual content in fig. 2 and col. 5 lines 20-35. The prototypes are used by the web page authoring module as base visual content. Cook teaches that the prototypes are composed of a set of individually manipulable objects. Thus, Cook does not teach a content division structure that divides the base visual content into a plurality of image slices because the objects already are image slices composed and combined by the user to form a prototype as taught in fig. 2 and col. 5 lines 20-58. Cook teaches instructions operable to cause the computer to generate user-created slices and program-generated slices in fig. 2 and col. 5 lines 20-35.

Cook teaches receiving input from a user selecting a trigger event to associate with the trigger slice in col. 6 lines 5-14. Cook teaches receiving input from a user that generates

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intermediate visual content, including instructions operable to cause the computer to allow the user to create and modify intermediate content freely as an integral image without regard to slice boundaries in fig. 2 and col. 5 line 20 – col. 6 line 45. Cook enables the user to provide intermediate content in the form of alternate objects through the use of group, stack, and switch structures. Cook enables the user to edit and modify a prototype composed of a plurality of objects, or image slices, thus enabling the user to modify the content freely across slice boundaries.

Cook teaches automatically generating a set of viewing image files containing viewing visual content derived from the base visual content in fig. 2 and col. 5 line 20 – col. 6 line 45. The web page authoring module generates viewing image files containing viewing visual content derived from the base prototype content. Cook does not teach using the content division structure to divide the intermediate visual content and the viewing visual content into slices corresponding to the slices of the base visual content because Cook does not use a content division structure. Cook organizes and interconnects objects or slices through use of group, stack, and switch structures as taught in fig. 2 and col. 5 line 59 – col. 6 line 14. Cook teaches computationally comparing the base visual content and the intermediate visual content and automatically identifying image slices where the base visual content and the intermediate visual content differ visually and generate a set of swap image files containing swap visual content derived from the identified image slices of the intermediate visual content in fig. 2 and col. 5 line 20 – col. 6 line 45. Cook uses terminology of a swap structure. The location of the objects, or image slices, of the swap structure is identified by a placeholder. The swaps structure contains a base viewing slice to originally present and a swap slice to present based on the trigger event.

Thus, Cook does not teach a content division structure because the prototypes are created by a prototype author through the selection and arrangement of objects as taught in col. 5 lines 28-34. The prototype maintains a division structure organizing the constituent objects, but it did not actively create the objects through division of a base content. Kellas does teach a content division structure which divides image content into a plurality of tiles, or slices, so that the tiles may be individually manipulable in col. 17 lines 55-59. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Kellas into Cook to have created the claimed invention. It would have been obvious and desirable to have used the content division structure taught by Kellas to have improved the prototype structure of Cook so that the prototype could have divided object content into sub-objects so that they could have been individually manipulable as taught by Kellas in col. 17 lines 55-59.

**Regarding dependent claims 37 and 42,** Cook teaches generating a set of HTML instructions that cause the viewing visual content to be displayed as a valid HTML table in fig. 2 and col. 6 lines 15-45. Cook teaches use of a Java applet that causes the swap visual content to be displayed when the trigger event occurs to the trigger slice in col. 6 lines 15-15. Cook teaches the use of Javascript to manipulate objects on an interactive HTML web page in col. 1 line 56 – col. 2 line 9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the prior art background teaching of Cook to have modified Cook in view of Kellas to have used Javascript to have implemented the interactive trigger of the web page because Javascript can be used to manipulate page properties as is taught by Cook.

**Regarding dependent claims 38 and 43,** Cook teaches wherein the swap image files are optimized for transmission over a computer network in fig. 2 and col. 6 lines 15-45.

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**Regarding dependent claims 39 and 44**, Cook teaches wherein each slice of the base visual content and the intermediate visual content is computationally compared pixel-by-pixel in col. 5 line 59 – col. 6 line 14.

**Regarding dependent claims 40 and 45**, Cook teaches wherein each slice of the base visual content and the intermediate visual content is computationally compared by comparing a checksum value calculated for each slice of the base visual content and a checksum value calculated for the corresponding slice of the intermediate visual content in col. 5 line 59 – col. 6 line 14.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burkett et al., US 6,476,828 B1 filed 5/28/1999 discloses building and displaying dynamic graphical user interfaces. Kurtenbach, US 6,618,063 B1 continuation of application filed 6/6/1995 discloses producing, controlling, and displaying menus.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Smith whose telephone number is 571-272-4101. The examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJS  
November 12, 2004

  
**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**